U.S. ENVIRONMENTAL PROTECTION AGENCY

MARINE PROTECTION, RESEARCH, AND
SANCTUARIES ACT (OCEAN DUMPING) PERMIT

PERMIT NUMBER:	OD 03-01
PERMIT TYPE:	Emergency
EFFECTIVE DATE:	April 9, 2003
EXPIRATION DATE:	November 30, 2003
APPLICANT/PERMITTEE:	Florida Department of Environmental Protection (FDEP) 3900 Commonwealth Boulevard Tallahassee, Florida 32399-3000 Responsible Official: Allan F. Bedwell, Deputy Secretary for Regulatory Programs (850) 245-2036
WASTE GENERATOR:	Former Piney Point Phosphates, Inc. phosphate fertilizer manufacturing complex
WASTE TRANSPORTER:	Manatee County Port Authority David McDonald, Executive Director 300 Regal Cruise Way, Suite 1 Palmetto, FL 34221-6608 Tel # (941) 722-6621 Fax # (941) 729-1463 e-mail: dmcdonald@portmanatee.com
PORT OF DEPARTURE:	Port Manatee, Florida

DISPOSAL SITE:

Western Boundary: 87° 00.00' W
Northern Boundary: 29°11.00' N
Southern Boundary: 27°11.00' N
Eastern Boundary: 100 meter contour north of 27°37.00' N
83° 32.00' W south of 27°37.00' N
Water depth: 40 to 3600 meters
Distance from shore: Greater than 40 nautical miles
Size:15 thousand square nautical miles

ACTION

This permit authorizes the transportation and disposal into ocean waters of certain material pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. §1401 et seq.), as amended (hereinafter referred to as "the Act" or the MPRSA), the regulations promulgated thereunder, and the terms and conditions set forth below. A disposal site has been specified as a condition of this permit. The selection of this site was based on individual appraisals of the characteristics of the waste and the safest means for its disposal.

BACKGROUND

Prior to 2000, the former Piney Point Phosphates, Inc. (PPPI or Piney Point) operated a phosphate fertilizer manufacturing complex at a location along U.S. Highway 41 approximately six miles north of the city of Palmetto in Manatee County, Florida. The complex consisted of: (1) a sulfuric acid plant with associated molten sulfur storage tanks; (2) a phosphoric acid plant with an associated phosphogypsum stack system; (3) an ammoniated phosphate fertilizer plant with storage of ammonia, phosphoric acid, and dry products; and (4) the infrastructure necessary to support these operations. The existing phosphogypsum stack system is comprised of old and new gypsum stacks, each incorporating two 50 to 70-foot high stacks with impoundments atop, two process water ponds (designated south and north cooling ponds), and a network of seepage collection ditches and process water recirculation ditches encompassing a total watershed of approximately 452 acres.

In February 2001, PPPI filed a petition for protection from creditors in the U.S. Bankruptcy Court in Tampa, Florida. At the time of filing, PPPI notified the FDEP that PPPI was financially incapable of maintaining the Piney Point gypsum stack system to prevent a release of more than 600 million gallons of untreated, acidic process wastewater onsite at that time. Since June 2001, FDEP and the Court-appointed Receiver have been actively implementing remedial measures to increase the surge storage capacity of the system and to consume excess process water from the inactive phosphogypsum stacks.

Perimeter dike restorations and raising of the gypsum dike crest elevations were expeditiously undertaken and optimized to maximize the surge storage capacity of the system and allow for containment of an additional 141 million gallons (MGal) of contaminated rainfall-runoff when

the need arises. Moreover, approximately 150 million gallons of process wastewater were consumed between September 2001 and the end of calendar year 2002 through the use of emerging technologies, discharge of reverse osmosis (RO) permeate and lime treated water to Bishop Harbor and Tampa Bay, and transfer of process water and treated water to other industrial facilities and waste water treatment plants. The rate of consumption of water was being severely hampered all along by "start-up" difficulties attributed to the use of unproven emerging technologies, concerns about environmental impacts in Bishop Harbor and Tampa Bay, and suspension of transfers to other facilities that are wet-weather sensitive.

Because the plant has been shut down and the watershed of the stack system is greater than ponded areas within the system, the facility has a net accumulation of water even during a normal rainfall year. According to FDEP, the inventory of wastewater at the site increased by more than 280 million gallons during calendar year 2002, thus not only negating all benefits realized through process water consumption over the preceding 18-month period, but also filling much of the remaining increased surge storage capacity in the system realized by raising the dikes. During December 2002, the Piney Point phosphogypsum stack system was subjected to as much as 16.5 inches of rainfall (14.3 inches above normal), a historic record and an extreme event with a 500-year return period. As a result, closure activities which had been initiated in November 2002 had to be suspended on December 31, 2002 in order to contain the high wastewater inventory and prevent a spill. Such a spill, which could release hundreds of millions of gallons of untreated acidic wastewater, would pose unacceptable, possibly life threatening, risks to maintenance and inspection personnel at the facility, as well as to any persons or traffic on two nearby roads (one of which is a hurricane evacuation route). Such a release would also be devastating to the environment of Tampa Bay, and potentially the near-shore Gulf of Mexico. In January 2003 the FDEP issued an emergency order to discharge wastewater treated with double lime and aeration into Bishop Harbor in order to protect public health and safety and the environment. Because such discharges to Bishop Harbor cannot continue due to unacceptable environmental consequences, another alternative is needed for disposal of the wastewater.

SUMMARY OF JUSTIFICATION FOR EMERGENCY PERMIT

Under Section 102a of the MPRSA, 33 USC 1412a, EPA may issue emergency permits for the dumping of industrial waste into ocean waters if EPA determines that there has been demonstrated to exist an emergency, requiring the dumping of such wastes, which poses an unacceptable risk relating to human health and admits of no other feasible solution. "Emergency" as defined by Section 102a(a) refers to situations requiring action with a marked degree of urgency. Section 102a(b) defines "industrial waste" as "any solid, semisolid, or liquid waste generated by a manufacturing or processing plant." The London Convention, which is the international convention on ocean dumping, also provides that a Contracting Party may issue a permit for the ocean dumping of industrial waste in emergencies, posing unacceptable risk relating to human health and admitting of no other feasible solution. Emergency permits are also referenced in 40 CFR Section 220.3(c). The section identifies the three factors mentioned above and also provides that the term "emergency" is not limited in its application to circumstances

requiring immediate action. The regulations also provide that, in addition to the factors mentioned above (emergency, that poses an unacceptable risk to human health, and admits of no other feasible solution), the issuance of such a permit without prior notice must be based upon a finding that the public interest requires issuance of an emergency permit as soon as possible [40 CFR Section 222.3(b)(3)].

EPA has concurred with the FDEP findings and conclusions that the potential for a dike failure or overtopping poses an unacceptable risk to human health, and that ocean disposal of the double-lime with aeration treated wastewater admits of no other feasible solution at present. To allow for the expedited removal of excess wastewater on site, the FDEP must have a permit that will allow for disposal of the treated wastewater in the Gulf of Mexico. Other than disposal methods already being employed, there are no other currently available feasible alternatives to disposal of the treated wastewater in the Gulf of Mexico given the immediate need for removal of the wastewater from the facility. Disposal options including incineration, storage, solidification, landfill, well injection, land application, re-use, transportation to local and remote municipal and industrial wastewater treatment facilities, and additional treatment were investigated and determined to be infeasible for disposal of the required quantity of the wastewater due to technological, logistical, timing and economic reasons. Failure to remove the existing excess wastewater on site, with the expectation of substantial additional rainfall, presents a serious and unacceptable risk to human health and safety.

SUMMARY OF FINDINGS

While there are no materials present in the treated wastewater that are prohibited by 40 CFR 227.5 or listed in 40 CFR 227.6, the treated wastewater meets the definition of industrial waste in Annex I of the London Convention (waste materials generated by manufacturing or processing operations). Article V(2) of the London Convention provides that a Contracting Party may issue a special permit for the dumping of wastes or other matter listed in Annex 1 of the Convention (which includes industrial waste) in emergencies, "posing an unacceptable risk to human health and admitting of no other feasible solution." Before doing so, the Contracting Party is required to consult any affected countries and the International Maritime Organization (IMO) "which after consulting other Parties, and international organizations as appropriate, shall... promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which the action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organization of the action it takes..." EPA initiated consultation with the Department of State on February 26, 2003 and consultation with the IMO is ongoing.

Thus, EPA has determined that all necessary conditions for issuance of an emergency permit, pursuant to 40 CFR 220.3(c), have been met. Further, EPA has concluded that this emergency dumping action will have minimal, if any, adverse environmental effects. 40 C.F.R. Section 222.3(b)(3) provides that notice is not required where EPA has determined that an

emergency exists that poses an unacceptable risk relating to human health that admits of no other feasible solution, and that the pubic interest requires the issuance of an emergency permit as soon as possible. EPA finds that, because of the urgency of the situation, and the risk to human health, the public interest requires the issuance of an emergency permit as soon as possible, without public notice prior to its issuance.

DESCRIPTION OF WASTE

The waste to be dumped is treated process wastewater (including rainfall run-off) from the abandoned Piney Point facility. Prior to dumping, the wastewater will be treated using a double lime precipitation, aeration, and sedimentation process designed to precipitate fluoride, phosphorus, metals, and radionuclides. The treated wastewater is freshwater with a density of approximately 1005 kg/m^3, a pH of 6.0 to 8.5, and a suspended solids content of approximately 30 mg/l. Chemically, the treated wastewater's constituents are within the marine water quality criteria with the exception of ammonia (NH3-N). NH3-N concentrations will range between 10 to 200 mg/l depending on the treatment rate.

GENERAL CONDITIONS

1. All transportation and dumping authorized herein shall be performed in accordance with the terms and conditions of this permit.

I. Definitions

2. Terms used in this permit that are defined in Section 3 of the Act shall have the same meaning herein.

II. Revocation, Suspension, or Modification of Permit

3. This permit shall be subject to suspension or modification by the Regional Administrator if it is determined that the permitted dumping has resulted, is resulting or may result in imminent and substantial harm to human health or welfare or the marine environment.

4. This permit may be modified or revoked, in whole or in part, in accordance with the applicable provisions of 40 CFR 223.2 et seq.,

   a. As a result of a determination by the Regional Administrator that:

      i. The cumulative impact of the permittee's dumping activities at the designated dump site should be categorized as Impact Category I, as defined in 40 CFR 228.10(c)(1);

      ii. The dumping authorized by the permit would violate applicable water quality

standards after initial mixing pursuant to 40 CFR 227.29;

iii. The dumping authorized can no longer be carried out consistent with the applicable provisions of 40 CFR Parts 227 and 228; or

iv. The emergency necessitating this action has changed as a result of a change in the integrity of the facility, the rainfall received, or the discovery and availability of feasible alternatives to ocean dumping; or

b. Following consultations pursuant to the London Convention; or

c. Following consultations pursuant to the Endangered Species Act.

III. Permit Violations, Penalties, and Permittee Liabilities

5. a. Transportation to, and dumping at, any location other than the sites specified in this permit shall constitute a violation of the Act and of the terms and conditions of this permit. For purposes of this permit, the discharge of any wastewater left in ballast tank(s) after an exchange as defined in Special Condition #8 shall not be considered dumping under the Act and shall not constitute a violation of this permit.

b. Transportation and dumping of any material more frequently than or in excess of that identified and authorized by this permit, or dumping of material not authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

6. Any person authorized to dump under this permit who violates any provision of the Act, the regulations issued thereunder, or any term or condition of this permit shall be liable for a civil penalty of not more than $50,000 for each violation. Additionally, any knowing violation of the Act, regulation, or permit may result in a criminal action being brought with penalties of not more than $50,000 or one year in prison, or both.

7. a. In the event any portion of the authorized dumping or transportation is done by a person, firm, or corporation other than the named permittee, any and all reports required hereunder shall be jointly executed by both permittee and such other person, firm, or corporation by an officer or employee of such other person, firm, or corporation.

b. The performance of any transportation or dumping authorized by this permit by any person, firm, or corporation other than the named permittee shall not relieve the permittee from full responsibility for compliance herewith, nor shall the existence of any contractual or other agreement with such person, firm, or corporation operate to relieve either party from responsibility for compliance with this permit or the Act or both.

8. Nothing contained herein shall be deemed to relieve the permittee or any other person from any liability, penalty, or responsibility for any action, not expressly hereby permitted, which is otherwise prohibited by law.

IV. Restrictions on Authorizations Given by The Permit

9. Nothing contained herein shall be deemed to authorize, in any way, the transportation from the United States for the purpose of dumping into ocean waters, into the territorial sea, or into the contiguous zone, the following material:

a. High level radioactive waste;

b. Materials, in whatever form, produced or used for radiological, chemical, or biological warfare;

c. Materials insufficiently described in terms of their compositions and properties;

d. Persistent inert synthetic or natural material which may float or remain in suspension in the ocean.

10. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private or public property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or, except as authorized by this permit, the undertaking of any work in any navigable waters.

V. Restriction on Permittee from Holding or Applying for Another Permit

12. The applicant may not apply for, nor simultaneously hold, an ocean dumping permit from another EPA Regional Office for any material to which this permit is applicable, nor may the applicant or any permittee transfer material from one EPA Region to another if a permit for the transportation or dumping of such material has been denied by one EPA Region.

VI. General Reporting Requirements

13. If the material which is regulated by this permit is dumped due to emergency to safeguard life at sea in locations or in a manner not in accordance with the terms of this permit, the permittee shall, within 30 days, make a full report to the Regional Administrator of the emergency and the actions taken, in accordance with the provisions of 18 U.S.C. 1001.

14. The reporting requirements contained in this permit are in addition to any reporting requirements of any other State or Federal Agency.

VII. General Facilities Requirements

15. The permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities, including vessels, used by such permittee in achieving compliance with the terms and conditions of this permit.

16. Every scow or boat engaged in the transportation of the waste regulated by this permit for ocean disposal shall have its name and number painted in letters and numbers at least fourteen inches high on both sides of the scow or boat. The name and number shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material.

VIII. Analytical Laboratory

17. Analyses required by this permit shall be conducted by an independent laboratory(ies) using methods and procedures approved by EPA or by the permittee if approved by EPA.

18. Within 15 days of the effective date of this permit, the name and address of the laboratory or laboratories that will analyze samples required by this permit and a description of all analytical test procedures, detection limits, and quality assurance/quality control procedures being used shall be submitted to EPA Region 4 for approval.

19. Any change(s) in laboratories to be used, methods employed, or other circumstances relating to analytical quality and accuracy of laboratory results shall be submitted to EPA Region 4 for approval prior to making such change(s).

20. Analyses for wastes dumped under this permit shall be conducted by methods specified in:

    a. "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act" (40 CFR 136).

    b. "Evaluation of Dredged Material Proposed For Ocean Disposal - Testing Manual" (USACE and USEPA, 1991, EPA-503/8-91/001), or methods submitted by the laboratory and approved by EPA Region 4.

21. Region 4 will not approve any laboratory under General Condition 18 of this permit unless, at a minimum, the laboratory makes routine use of the intra-laboratory quality control practices recommended in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories" (EPA 600/4-79-019). These practices shall include use

and documentation of internal quality control samples. The laboratory must have an approved Quality Management Plan in place, as well as a Quality Assurance Manual, both of which must implement the EPA guidance for suitable quality systems established in:

- "EPA Requirements for Quality Management Plans (QA/R-2);"
- "EPA Requirements for QA Project Plans (QA/R-5);"
-"Guidance for Developing Quality Systems for Environmental Programs (G-1);"
- "Guidance for the Data Quality Objectives Process (G-4);"
- or similar guidance, e.g., National Environmental Laboratory Accreditation Conference (NELAC) Standards.

22. Quality control samples provided by EPA shall be analyzed by a laboratory approved by EPA under General Condition 18 of this permit and results shall be reported to EPA within 30 days of receipt of sample.

23. Any laboratory approved by EPA under General Condition 18 of this permit shall be subject to periodic inspection of facilities, data, records, and quality control records by EPA personnel.

IX. Permit Display

24. This permit, or a true copy thereof, shall be placed in a conspicuous place on every vessel used for the transportation and dumping of waste authorized by this permit.

X. Inspections

25. The permittee shall allow EPA, the U.S. Coast Guard, and/or their authorized representatives, upon presentation of credentials:

a. To enter into, upon, or through the permittee's premises, vessels, or other premises or vessels under the control of the permittee, where or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

b. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

c. To inspect any monitoring equipment or monitoring method required in this permit;

d. To sample any materials discharged or to be discharged; and

e. To inspect any dumping and navigation equipment installed on board any towing

vessel, barge, or self-propelled vessel utilized in ocean dumping activities; and

f. To be present on permittee's vessels during dumping operations.

XI. Transferability of Permission to Dump for Waste Transporter

26. The authority conferred by this permit may, at the discretion of the Regional Administrator, be transferred to a waste transporter other than that named herein, provided that a request for such a transfer be made, in writing, by the permittee at least 10 days prior to the requested transfer date. No one not so approved shall have authority to transport for purposes of dumping or to dump materials into the ocean pursuant to this permit.

SPECIAL CONDITIONS

I. Limitations on Material to be Dumped

1. In accordance with all other terms and conditions of this permit, the permittee is authorized to transport for dumping into ocean waters and to dump into ocean waters treated process wastewater (including rainfall-runoff) from the former Piney Point Phosphates, Inc. (PPPI) phosphate fertilizer manufacturing complex.

II. Limitations on Quantities of Material to be Dumped

2. During the term of this permit, no more than 534.7 million gallons (2.034 million metric tons) of material described in Special Condition 1 shall be dumped.

3. Quantities of material described in Special Condition 1 are limited to that necessary to alleviate the emergency situation. Following the monthly reports required under Special Condition 26, EPA may modify Special Condition 2 pursuant to General Condition 4 if warranted by changed circumstances including, but not limited to the discovery and availability of feasible alternatives to ocean dumping.

III. Feasible Alternatives

4. For the duration of this permit, the Permittee shall continue to pursue, evaluate, and implement alternative treatment and disposal methods that are determined to be available and feasible for the disposition of the wastewater regulated by this permit.

IV. Limitations on Characteristics of Material to be Dumped

5. Prior to dumping, the process wastewater shall be treated at a minimum utilizing a double

lime precipitation, aeration, and sedimentation process.

V. Limitations on Vessels and Method of Dumping

6. Dumping from each vessel shall be through one single discharge opening at a time. The discharge opening shall be located within 6 meters below the water surface or at or above the water line and shall have a maximum diameter of 20 inches. The average rate of discharge shall not exceed 4,000 gallons per minute.

7. Each dumping vessel shall begin dumping only upon arrival at the site specified in this permit and shall complete dumping before leaving the site specified in this permit. Dumping shall occur at a minimum of 100 meters within the boundaries of the site specified in this permit.

8. Where ballast tanks are used for transportation of the wastewater, dumping will be considered to be complete after an exchange of wastewater in the ballast tank(s). For purposes of this permit, exchange means to replace the wastewater in the ballast tank(s) using one of the following methods:

    a. flushing out the wastewater in the ballast tank(s) by pumping in ocean water at the bottom of the tank and continuously overflowing the tank from the top until seven full volumes of water have been changed; or

    b. pumping out the wastewater in the ballast tank(s) until the tank(s) is(are) empty, then refilling the ballast tank(s) with ocean water and pumping them out three times while the vessel is within the disposal site. Masters/operators should pump out as close to 100 % of the water in the ballast tank(s) as is possible; or

    c. pumping out the wastewater in the ballast tank(s) until the tank(s) are empty. Masters/operators should pump out as close to 100 % of the water in the ballast tank(s) as is possible.

    The exchange method in section (c) may only be used when the vessel's ballast tanks are dedicated to wastewater transport and used continuously only for the transportation of wastewater under this permit. In this case, no discharge from the ballast tank(s) shall be permitted outside of the disposal site until an exchange of wastewater as defined in section (a) or (b) is completed within the disposal site.

9. Where cargo tanks are used for transportation of the wastewater, the cargo tanks shall be pre-washed in accordance with applicable regulatory provisions prior to use for the transportation of the wastewater. All operational wastes from this washing (e.g. cargo residue, tank washings, residues and mixtures) shall be discharged to a Coast Guard-approved onshore reception facility prior to the transportation of wastewater under this

permit. After dumping of the wastewater under this permit, the cargo tanks shall be washed with ocean water while the vessel is within the disposal site unless the cargo tanks will be used continuously for transportation of the wastewater under this permit. If the vessel is used for transportation of any cargo other than the wastewater specified in this permit, then the cargo tanks shall be pre-washed in accordance with applicable regulatory provisions prior to transporting any such cargo. All operational wastes from this washing (e.g. cargo residue, tank washings, residues and mixtures) shall be discharged to a Coast Guard-approved onshore reception facility.

10. Disposal at the site specified in this permit shall occur while traveling at average speeds in excess of 4 knots. All disposal shall occur while underway.

11. Not more than one vessel shall conduct disposal operations at any one time in the portion of the site specified in this permit that is shallower than 100 meters.

12. Dumping other than as authorized by this permit shall constitute a violation of the MPRSA and this permit.

13. The waste transporter is required to post a marine mammal watch at all times when the vessel is dumping. Should a sea turtle or marine mammal species be observed within 500 meters of the disposal vessel, all disposal shall stop until the animal(s) are no longer within 500 meters of the vessel.

VI. Notification of Dumping Activity

14. The waste transporter shall notify the Captain of the Port (COTP) and EPA Region 4 no later than twenty-four hours prior to the estimated time of departure for the authorized dump site.

15. The waste transporter shall confirm the exact time of departure within thirty (30) minutes of the actual departure time with the COTP, and shall immediately notify the COTP of changes in the estimated time of departure greater than one (1) hour.

16. The following information shall be provided in the notification of sailing required pursuant to Special Condition 14:

    a. Permit number;
    b. Name of the towing vessel and barge or tank vessel;
    c. Name of the waste transporter;
    d. Description of the vessel's contents, including weight or volume;
    e. Place of departure;
    f. Location of the proposed disposal and method (ballast and/or cargo);
    g. The time of departure;

h. Estimated time of arrival at the dump site;
i. Estimated time of departure from the dump site; and
j. Estimated time of return to port.

VII. Disposal Monitoring Program and Records of Dumping Activity

17. The waste transporter will institute a disposal monitoring program consisting of the following:

a. The waste transporter shall use an electronic positioning system to navigate to and from the disposal site. For this section of the permit, the electronic positioning system is defined as a differential global positioning system. If the electronic positioning system fails or navigation problems are detected, all disposal operations shall cease until the failure or navigation problems are corrected.

b. The waste transporter shall certify the accuracy of the electronic positioning system proposed for use during disposal operation. The certification shall be accomplished by direct comparison of the electronic positioning system's accuracy with a known fixed point.

c. The waste transporter shall use an automated disposal verification system that will track at a 15-minute interval the horizontal location of the disposal vessel to and from the disposal site.

d. The waste transporter shall use latitude and longitude coordinates (North American Datum 1983). Coordinates shall be reported as degrees and decimal minutes to the nearest 0.01 minutes.

18. The waste transporter shall maintain a record of each notification of sailing required by Special Conditions 14 and 15 indicating:

a. Permit Number;
b. Name of person contacted; and
c. Date and time of contact.

19. The waste transporter shall maintain a Monthly Transportation and Dumping Logbook, at the time of occurrence, of all information in the following list for each trip for the purpose of dumping:

a. Time/date that loading of the vessel begins and ends;
b. Volume of each load;
c. Time, position and water depth of the vessel when each dump begins and ends;

d. Vessel speed, direction, position, water depth, wind speed and direction, and discharge pumping rate every 15 minutes during each dump at the dump site;
e. Volume discharged or in the case where the method of exchange specified in Special Condition 8(a) is utilized, the flow through volume;
f. Salinity in ballast tanks at the conclusion of dumping if the method of exchange specified in Special Condition 8(a) or 8(b) is utilized;
g. Wave height at the beginning and end of each trip;
h. Time and position of any floatable matter observed;
i. Time and vessel position when any sea turtles or marine mammals are observed within 500 meters of the disposal vessel and the times and position when dumping was suspended and restarted due to animal's presence; and
j. Unusual occurrences during the trip.

VIII. Waste Monitoring Requirements

20. The permittee shall collect and analyze a sample from a location downstream of the acidulation station daily. A list of analytes and required detection limits are provided below:

Analyte	Detection Limit
NH3-N	0.10 Mg/L
pH	0.1 pH units

21. In order to evaluate whether any of the constituents listed in 40 CFR 227.6 are present in the waste as other than trace contaminants, the applicant shall perform toxicity tests on the material described in Special Condition 1 utilizing three organisms following methods required by General Condition 20(b). The toxicity tests shall be conducted on a sample collected prior to initiation of disposal activities. Additionally, if the thresholds of 50, 100, 150 or 200 mg/l for NH3-N are exceeded in the analysis required by Special Condition 20, samples shall be collected and additional toxicity tests performed. Toxicity tests shall be required only once for each such threshold that is exceeded. If results from any toxicity test indicate that the limiting permissible concentration will not be met, EPA will determine whether and what modifications to the disposal method must be instituted. EPA will be notified within 24 hours if NH3-N concentrations exceed a threshold level requiring a toxicity test. Toxicity test results will be transmitted to EPA as soon as they are available.

22. The permittee shall submit for review and following approval by EPA, shall implement a wastewater quality verification plan prior to initiation of disposal activities. The purpose of the plan is to verify that the wastewater has not been contaminated as a result of contact with the pipeline, storage tanks or vessel storage facilities. Based on the test

results required as part of this plan, EPA will determine if the wastewater has been contaminated and whether and what permit modifications are appropriate. The plan shall include, but not be limited to:

a. Identification of potential contaminants introduced by contact with the pipeline, storage tanks, or the vessel storage facilities;

b. Collection procedures, frequencies and locations of wastewater samples to be collected at the Piney Point facility downstream of the acidulation station and from each disposal vessel; and

c. The methods for analysis for the identified constituents.

IX. Environmental Monitoring Requirements

23. Within 15 days of the effective date of this permit, the permittee shall submit to EPA Region 4 for approval a monitoring plan for determining the dilution of the wastewater and the environmental impacts of ocean dumping of its waste. The permittee shall implement the plan upon EPA approval.

24. The environmental monitoring plan shall include, but not be limited to:

a. Ambient measurements of a conservative tracer, either naturally occurring in or added to the wastewater, to determine near-field and far-field dilution rates under the required discharge rates and vessel speeds; and

b. A plan for monitoring the development of any Harmful Algal Blooms.

X. Periodic Reporting Requirements

25. Within seven (7) days of the end of each month, the permittee shall submit to EPA Region 4 a Monthly Transportation and Dumping Report containing information required by Special Condition 19 and plot(s) of position data for each trip as required by Special Conditions 17(c) and 19(d). Information required by 19(d) shall be supplied in electronic format (comma delineated text file).

26. Within fifteen (15) days of the end of each month, the permittee shall submit to EPA Region 4:

a. A copy of the analytical results for the previous month required by Special Conditions 20, 21 and 22 (waste monitoring requirements);

b. A copy of any analytical results from the previous month pursuant to implementation

of the plan required by Special Condition 23 (environmental monitoring requirements);

c. A record for the previous month of the daily remaining design capacity at the Piney Point facility and the daily rainfall; and

d. A status report on the integrity of the facility and on the progress on the development of feasible alternative methods for treatment and disposal or re-use of the process wastewater, including an analysis of any alternatives identified by EPA for evaluation and requested by EPA in writing during the previous month. This report shall include a certification from the permittee that the permittee, as required by Special Condition 4, is using all available feasible methods for treatment and disposal or re-use of the process wastewater, other than ocean dumping, to the maximum extent possible.

27. All reports and notifications to EPA required under this permit shall be submitted to:

Wesley B. Crum, Chief
Coastal Programs Section
U.S. Environmental Protection Agency Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-9352
email: crum.bo@epa.gov

_____ _____

J. I. Palmer, Jr. Date
Regional Administrator
U.S. EPA Region 4